Thus the principle has come down to us almost as part of the religion of an orthodox international lawyer; but as is true of many dogmas, the question of what is its meaning and significance remains largely unanswered. As Mr. Dickinson explains, the dogma is large enough to cover two very distinct ideas, — equality before the law, and political equality. Most will be inclined freely to admit the truth of the dogma if given the former meaning; but the latter interpretation at once spells difficulties. The bald truth is that states are not, and never can be, equal so far as political power and influence in the shaping of international affairs are concerned; and this discrepancy between fact and theory has been responsible for a vast amount of speculation and theorizing in the effort to reconcile the theory of the equality dogma with the facts of international life.

If so excellent a study as Mr. Dickinson's is to be criticized it must be on the ground that the author fails to draw any very practical conclusions from his painstaking research, — that the book seems academic in the midst of very pressing practical issues. Perhaps Mr. Dickinson purposely sought to avoid entering upon a most contentious field. Nevertheless the question as to what practical consequences the equality dogma entails in international law is today a matter of such paramount importance that one cannot help regretting that it is not further developed in Mr. Dickinson's book. What, for instance, does it involve in regard to the unanimity requirement of voting in international congresses or commissions? Does it mean that all states must have equal voting power? In the sense of equality before the law it seems fairly clear that this principle would mean that every state participating in a conference to consider the adoption of some treaty or international arrangement would be entitled to an equal vote before it could be bound; but the situation would be very different if it were a question of voting within an international commission or executive organ whose powers are specifically delegated and carefully delimited. The insistence upon equality of voting power under the cover of this dogma has wrecked more than one international project; this was directly, if not solely, responsible for the failure of the earnest efforts made at the Hague Conference of 1907 to create an international Court of Arbitral Justice.

But perhaps one should not criticize an author for not attempting more, — particularly when he has done well what he set out to do. Perhaps Mr. Dickinson will essay a further study in this directon at a future time. The execution of the present work merits the hope that some day he may see fit to do so.

F. B. S.

LATIN-AMERICAN COMMERCIAL LAW. By T. Esquivel Obregón, with the Collaboration of Edwin M. Borchard. New York: The Banks Law Publishing Company. 1921. pp. xxiii, 972.

After an introductory statement of thirty-one pages, the author subdivides his subject with reference to the divisions in the Commercial Codes of the Latin-American states, and treats each topic comprehensively for all the states with whose law he deals. The reader is thereby enabled to see at once what differences there may be in the several codes in regard to a particular question.

This work seems to have been well done, and the difficulties of translating terms in use in one system of law so that they can be understood by lawyers trained in another system, seem to have been met as well as could be expected. The book, therefore, is a contribution of value to the study of comparative law, and should be a step forward in an attempt to make the nature of business relations between North America and South America more comprehensible. It is only fair, however, to point out some difficulties that one who is trained in the common law feels in examining the book.

In the first place, the distinction between commercial law and general private law is not a division to which one who is trained in the common law takes kindly. Even those trained in the civil law, as the author points out in his introductory chapter, are not agreed as to the propriety or nature of the distinction. In the second place, and perhaps more important, the provisions of the codes are often very general in terms, and the precise bearing of a provision on a particular state of facts cannot be fully understood. Though the author occasionally cites the decisions of courts, his work in the main consists of a classification and restatement of code provisions. One who has a difficult practical question will often find that there is nothing in this book, nor in the general language of the codes from which it is taken, to give him any help. In the chapter devoted to mercantile contracts, for instance, there is nothing to indicate how far a failure of performance by one party to a bilateral contract excuses the other party from his obligation.

The value of the book is increased by a glossary of Latin-American legal terms and by bibliographies. The index might with advantage have been made somewhat fuller.

S. W.

ORAL AND WRITTEN PLEADING IN ATHENIAN COURTS. By George Miller Calhoun. 50 Transactions and Proceedings of the American Philological Association, 177 (1919).

American lawyers will find much to interest them in the papers on Greek law which are frequently read at the meetings of the American Philological Association. In 1919 Professor Calhoun propounded the thesis that complaints in the Athenian Courts were presented orally until about 370 B. C. Although he speaks of these complaints as pleadings, it must be remembered that most of the Athenian proceedings were criminal in character, being either prosecutions or actions to recover a penalty. In support of his position, he quotes the Clouds of Aristophanes, in which the hero remarks that if an action were being entered against him, he would get a magnifying glass and melt out the writing that constituted the record of his case as fast as the clerk put it down on the wax tablet, a method not entirely unlike the modern plan of burning down court houses in order to interrupt prosecutions. The device would have been much less effectual if the clerk were merely copying a written complaint. Probably the clerk was writing down what was orally stated to him. Professor Calhoun's conclusion is rested on additional evidence both grammatical and historical. He thinks that the substitution of written for oral complaints was contemporaneous with the transition from witnesses to written depositions — a step exactly the opposite of what has taken place in our law.

Z. C., JR.